



The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



January 24, 2006

Senator Bob Odell, Chairman
Energy and Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

SUBJECT: SB 292-FN, an act relative to permits for combustion of certain waste

Dear Chairman Odell and Members of the Committee:

SB 292-FN seeks to amend RSA 149-M:9-a to establish a permit requirement for combustion of the wood component of construction and demolition debris and any waste containing lead, mercury, or benzene. The New Hampshire Department of Environmental Services (DES) has serious concerns about this bill.

The C&D study committee established by SB 215 reported its conclusions and recommendations in November, 2005. The study concluded, "...there will still be a certain amount of C&D materials that are not salvaged, and, thus enters the waste stream. Processing this residual waste stream will still generate a recyclable wood product that has value in its energy content." Among the report recommendations were the following:

1. Develop new markets in New Hampshire for wood byproducts of C&D processing because the value of wood products are a function of transportation costs.
2. Add C&D processing to the recycling portion of DES's hierarchy.

SB 292-FN would frustrate the development of new markets for C&D wood byproducts by requiring a solid waste permit for the handling and use of wood materials, regardless of their value as recyclable or reusable products. By definition, recycled products are not regulated as solid waste and do not require a solid waste permit for handling and use. SB 292-FN would prevent C&D processing from being added to the recycling portion of the solid waste management hierarchy as recommended.

The study committee established by HB 517 during the last legislative session has not completed its study of C&D issues. Passage of SB 292-FN could preempt recommendations from this committee, a committee which has expended significant energy in taking testimony from all interested parties in order to develop a strategy for the management of C&D in New Hampshire. DES believes that SB 292-FN and other legislation introduced this session directed toward further regulating C&D should await the final HB 517 study committee report before attempting adoption.

If you have any questions regarding this letter of testimony, please do not hesitate to call me or Tony Giunta, P.G. at 271-2905.

Sincerely,


Michael P. Nolin, Asst. Comm.
fr Michael P. Nolin
Commissioner

cc: Senator Sylvia Larson
Representative Christine Hamm
Representative James Phinizy